

DATE

Mr. Marcus Mitchell
525 Northampton Drive
Shreveport, LA 71106

**Re: Docket No. 2022-116
Advisory Opinion**

Dear Mr. Mitchell:

The Louisiana Board of Ethics, at its April 8, 2022 meeting, considered your request for an advisory opinion following your separation from your employment with the Shreveport Police Department ("SPD"), relative to whether your company, Toussaint Research Group, LLC ("TRG"), can contract to provide services to Blue Line Solutions, LLC ("BLS"), a Tennessee-based company, that is actively seeking to contract with the City of Shreveport.

FACTS PROVIDED

You provided that from February 2009 until November 2021, you were employed by the Shreveport Police Department. During your employment, you were assigned the roles of Patrolman, Crime Scene Investigator, Fugitive Warrants Officer, and your last assignment was as Chief Administrative Assistant from September 2019 until your separation from the SPD in November 2021. As Chief Administrative Assistant, your primary duty was to assist the Deputy Chief of Police in the preparation, maintenance, and processing of the department's budget. You did not possess independent authority to make purchases or commit the department to any contractual agreements for services or materials. Your secondary duty, as Chief Administrative Assistant, included supervising departmental payroll processing, monitoring departmental grants programs and budgets, and overseeing non-sworn civilian employees.

You stated that you are the sole owner of TRG. TRG entered into a contract with BLS to provide public information and education through marketing and advertising for BLS' Louisiana-based projects. BLS is actively seeking to contract with the City of Shreveport to provide traffic enforcement services utilizing cameras and other equipment whereby BLS would be allowed to install its equipment on city thoroughfares. BLS and the City of Shreveport would share in revenue generated from traffic violations recorded by BLS equipment.

LAW

La. R.S. 42:1121B(1) prohibits a former public employee, for a period of two years following the termination of his public employment, from assisting another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or for a period of two years following termination of his public employment, render, any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

ANALYSIS

La. R.S. 42:1121B prohibits Mr. Mitchell until November 2023 from 1) assisting a person in a transaction in which he participated at any time that involves the City of Shreveport; and, 2) rendering any service, on a contractual basis, to or for the SPD. While employed with the SPD, Marcus Mitchell did not participate in a transaction, or in an appearance in connection with a transaction, involving traffic enforcement utilizing cameras and other equipment installed on city thoroughfares. Further, marketing, advertising, and public information distribution services provided by TRG to BLS are not the same services rendered by Marcus Mitchell while employed by the SPD.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would not prohibit Marcus Mitchell, or his company, TRG, from contracting with BLS, while BLS is actively seeking to contract with the City of Shreveport to provide traffic enforcement services.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Governmental Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Acts, and the conflict of interest provisions contained in the Louisiana Gaming Control Law. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Gregory L. Thibodeaux
For the Board